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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1456th MEETING

Held at Headquarters, New York,
on Monday, 22 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 10.50 a.m.

REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE (A/AC.109/L.1843)

1. The CHAIRMAN said that the Subcommittee on Small Territories, Petitions, Information and Assistance had completed the work of its session on 1 July 1996. Working papers prepared by the Secretariat had been submitted to it, some of which were based on published sources rather than on information provided by the administering Powers. The Subcommittee had noted that the information it had was not always recent and had expressed the need to receive up-to-date information on the Non-Self-Governing Territories from the administering Powers. Moreover, pursuant to a General Assembly resolution, the Special Committee had held the Pacific Regional Seminar at Port Moresby from 12 to 14 June 1996.

2. He also noted that the International Decade for the Eradication of Colonialism was past its mid-point and that it was therefore important for the Special Committee to redouble its efforts and remain tenacious in order to translate the will and aspirations of colonial peoples into reality, in accordance with the mandate of the United Nations.

Report of the Rapporteur

3. Ms. KHAN-CUMMINGS (Vice-Chairman and Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance), introducing the report of the Subcommittee on its 1996 session (A/AC.109/L.1843), said that section I of the report was devoted to the consideration of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, Turks and Caicos Islands and the United States Virgin Islands. In view of Tokelau's own decision-making agenda and related changes to the legislative framework for Tokelau, the Permanent Representative of New Zealand had requested the Chairman of the Special Committee to allow the Administrator and the Failpule of Tokelau to appear before the Special Committee in order to inform it first-hand of how decisions on the Territory's future status were taken. Accordingly, the Subcommittee had recommended that, in 1996, the draft resolution on the question of Tokelau should be considered and adopted by the Special Committee. The Subcommittee had therefore decided to refer to the Special Committee consideration of the entire question, even though the working paper on Tokelau formed an integral part of the Subcommittee's documentation.

4. The texts of a number of draft resolutions were also contained in section I.

5. Section II dealt with the dissemination of information on decolonization; one chapter was devoted to the Week of Solidarity with the Peoples of All Colonial Territories, Fighting for Freedom, Independence and Human Rights. Lastly, as the Special Committee had decided to reschedule its programme of work in order to make optimum use of the information available to it, the Subcommittee had had an opportunity, during its session, to take into account the work of the Pacific regional seminar.

6. The Subcommittee had adopted all draft resolutions contained in its report by consensus.

Requests for hearings

7. The CHAIRMAN drew the Committee's attention to the requests for hearings submitted in the following documents: Guam (aide-mémoire 8/96), Falkland Islands (Malvinas) (aide-mémoire 9/96), East Timor (aide-mémoire 10/96 and Add.1), New Caledonia (aide-mémoire 11/96) and Western Sahara (aide-mémoire 12/96). He proposed that the requests should be granted.

8. Mr. SRIWIDJAJA (Indonesia) strongly objected to the hearing of petitioners on the question of East Timor.

9. The CHAIRMAN assured the representative of Indonesia that his reservations would be duly noted in the records of the meeting. On that understanding, and if he heard no other objection, he would take it that the Committee decided to grant the requests for hearings.

10. It was so decided.

Hearing of petitioners

11. At the invitation of the Chairman, Mr. Parkinson (President of the Twenty-third Legislature of Guam) took a place at the petitioners' table.

12. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) said that Guam considered the efforts of the United Nations and its Special Committee on Decolonization as absolutely essential to the exercise of its right to self-determination. In that connection, the inhabitants of the Territory were upset by the attitude of certain major Powers which were subverting those efforts by attempting to remove Guam, in particular, from the list of Non-Self-Governing Territories and even to eliminate the Special Committee itself. Without even giving the interested parties an opportunity to express themselves, they claimed that the peoples of the Non-Self-Governing Territories could not survive without the colonial powers or that they were satisfied with their current status. Financial arguments were also put forward as justification for the proposed dismantling of the Special Committee, even though the same major Powers did not hesitate to spend enormous sums when their own interests were at stake. In fact they were attempting to dismantle the entire decolonization apparatus of the United Nations.

13. While ostensibly, most of the Non-Self-Governing Territories had been politically decolonized, they were nonetheless economically and culturally subjugated to former colonial powers which also continued to interfere in their domestic politics in order to keep taking advantage of inexpensive raw materials and labour while ensuring a market for their exports. In fact, third world countries which had recently become independent were still subject to pressures of every kind from the most industrialized countries. Their sovereignty was derided, even in international bodies where they could not state their real positions for fear of reprisals. If the enemies of decolonization were successful in their effort to eliminate the Special Committee, a fatal blow

would be dealt to the exercise of the fundamental rights of the peoples of the Non-Self-Governing Territories. The people of Guam therefore affirmed their support for the Special Committee, in the conviction that it must continue to exercise its mandate fully until such time as all peoples concerned genuinely and fully exercised their right to self-determination and were truly free of political, economic and cultural domination.

14. In the case of Guam, no argument could justify its removal from the list of Non-Self-Governing Territories when the Chamorro people had yet to exercise their right to determine their own fate. Guam was currently negotiating the improvement of its relationship with the administering Power. It had democratically elaborated and approved the draft Guam Commonwealth Act, which would govern an interim - and he wished to stress the word "interim" - political relationship of the Territory with the United States of America, pending the exercise of self-determination by the Chamorro people. The exercise of that right, to which not only the Chamorro people but also the entire population of Guam aspired, was provided for in article 1 (section 102) of Guam's version of the draft Commonwealth Act. In that connection, it was imperative that the resolution which the General Assembly would adopt in 1996 on the question of Guam clearly mentioned that right. The population of the Territory also called on the administering Power to support its request.

15. Obviously, the decolonization process was severely hampered when administering Powers obstructed action by the Special Committee, in particular, its direct monitoring of the situation of Non-Self-Governing Territories on visiting missions. The first and last such mission sent to Guam had taken place in 1979. The administering Power had invited the Special Committee to come to the Territory at a time when its people were voting on a proposed Constitution, which, it should be recalled, was rejected while the mission was there. Nonetheless, the mission had had a beneficial effect, since it had encouraged both the people of Guam and the administering Power to redouble their efforts to resolve numerous problems associated with the Territory's status. In that connection, the Legislature of Guam requested the Special Committee to send another mission to the Territory at the earliest possible date and hoped that the request would be included in the resolution to be adopted by the General Assembly.

16. In anticipation of the current session, the Legislature of the Territory had adopted two resolutions (Nos. 464 and 466) which reflected the positions of the petitioners who had voiced their opinions on the question of Guam. It hoped that the Special Committee would take note of the resolutions and consider them carefully.

17. Lastly, the people of Guam wished to thank the Special Committee for all the efforts it had made and continued to make in order to carry out the difficult mission of decolonizing the world. Indeed, many Territories had acquired their political independence, as reflected by the Special Committee's current membership. In that connection, he could not stress enough the importance of the work being carried out by the Special Committee within the framework of the International Decade for the Eradication of Colonialism.

18. Mrs. KHAN-CUMMINGS (Trinidad and Tobago), noting that, in January and February 1996, the Governor of Guam and the Under-Secretary of the Interior had met in San Francisco and Washington in order to review the Guam Commonwealth Act, inquired about the hearings that were supposed to take place before one of the subcommittees of the United States Congress.

19. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) said that he had no information on the progress achieved in the negotiation of the draft Act.

20. Mr. YARKA (Papua New Guinea) asked how many members of the Legislature of Guam were in favour of self-determination.

21. Mr. PARKINSON (President of the Twenty-third Legislature of Guam) replied that the entire Legislature supported the principle but pointed out that self-determination could take many forms and that independence was not the only possible option.

22. Mr. Parkinson withdrew.

23. At the invitation of the Chairman, Ms. Alvarez Cristobal (Twenty-third Legislature of Guam), took a place at the petitioners' table.

24. Ms. ALVAREZ CRISTOBAL (Senator of the Twenty-third Legislature of Guam, President of the Committee on Federal and Foreign Affairs and member of the Guam Commission on Self-determination) noted that, as usual, she had come to promote the decolonization of the Non-Self-Governing Territory of Guam, and justice and dignity for the Chamorro people.

25. On 21 July 1944, the United States of America had liberated Guam from Japanese occupation. At the same time that Guam was commemorating its liberation, elsewhere in the Pacific, its neighbours and friends were celebrating their independence. That situation must be remedied. Although, as early as 1898, under the Treaty of Paris, the United States of America had agreed to assist the Chamorro people in determining their future political status and, in 1946, it had voluntarily placed Guam on the United Nations list of Non-Self-Governing Territories, in 1996, the Territory was still a colony. The people of Guam, however, had repeatedly made it known in a peaceful and democratic fashion that they wished to be free and decolonized.

26. In 1988, the people of Guam had approved and transmitted to the administering Power an act on the Commonwealth of Guam which provided for self-determination. Even if the Commonwealth was for the Chamorros but one phase in the pursuit of liberation and decolonization, the act concerning it defined the political relationship which Guam wished to maintain with the United States and should be fully taken into account. The purpose of the Commission on Self-determination was not, as the United States representative had indicated to the General Assembly in 1995, to consider a proposed commonwealth with the United States, but rather to promote the Commonwealth Act, which was an expression of the will of the Chamorro people. The Act was not subject to negotiation and the current discussions with the Government of the United States were aimed solely at clarifying certain misunderstandings and dispelling certain fears.

27. If, indeed, as the United States representative had stated, independence was a legitimate form of self-determination, why was it so difficult for the United States to accept the Commonwealth Act and why was it stalling the decolonization process? The truth was that the administering Power was speaking in ambiguous terms, particularly when it called into question the constitutionality of the Commonwealth Act. The Congress had the necessary constitutional powers to grant decolonization but did not exercise them. Because the American Government wished to control the decolonization process and maintain its sovereignty over Guam, it was opposed, in particular, to self-determination, mutual consent on the applicability of federal laws and local control over immigration. The Department of Labor and the Department of Justice used the Constitution to oppose self-determination.

28. As for the Chamorro people, they wished to be free to choose their status and the United States must be straightforward and say whether it intended to honour the commitment it had undertaken to help Guam successfully complete the decolonization process. It must refrain from interpreting the Constitution too narrowly and it must desist from attempting to remove Guam from the list of Non-Self-Governing Territories. Democracy in the United States was based on the consent of the governed to be governed. The people of Guam wished to be able to give their consent, too.

29. Mrs. KHAN-CUMMINGS (Trinadad and Tobago) asked the petitioner if the Committee might have a copy of the two resolutions adopted by the Guam Legislature.

30. Ms. ALVAREZ CRISTOBAL gave the Chairman a copy of resolutions Nos. 464 and 466 adopted by the Guam Legislature.

31. Ms. Alvarez Cristobal withdrew.

32. At the invitation of the Chairman, Mr. Teehan (Secretary of the Guam Landowners Association) took a place at the petitioners' table.

33. Mr. TEEHAN (Secretary of the Guam Landowners Association) said that his association, founded in 1976, had always supported Chamorro self-determination because it believed that it was the most viable means of addressing the numerous outstanding issues and correcting historic injustices. At the mid-point in the International Decade for the Eradication of Colonialism, political and economic pressures aimed at eliminating Guam from the list of Non-Self-Governing Territories were on the increase. The administering Power argued that its supervision provided stability and economic advantages, claiming that the Territory was free to choose its own status and preferred to maintain the status quo, and presenting the question to the United Nations as a de facto act of self-determination. It also falsely portrayed Guam as a small island with limited resources and little hope for achieving a sustainable economy, let alone independence. Similar arguments had been put forward in a vain attempt to have the Pacific Regional Seminar cancelled. He applauded those members of the Special Committee and the Fourth Committee who had successfully resisted the pressures to subvert the decolonization process and had prevented the administering Power from amending the 1995 General Assembly resolution on Guam into a meaningless statement.

34. The decolonization process itself was under assault. Some colonial Powers and their economic allies argued that the remaining Non-Self-Governing Territories were satisfied with their status, and that the absence of violent resistance or signs of discontent was proof of that satisfaction. The Chamorro people of Guam were indeed very peaceful, and the smallest demonstration was cause for serious debate. Nonetheless, numerous demonstrations had been held against federal institutions and their conduct, and in 1994 the Governor of Guam himself had participated in a demonstration of that type. In no way was it reasonable to deduce that their civilized conduct meant that the Chamorro people were content with their fate. Must they sink to violence in order to claim their right to self-determination? Would the United States succeed in convincing the Special Committee and the United Nations as a whole that non-violence was a sign of contentment? The Guam Commonwealth Act, which defined an interim political relationship between the Territory and the United States, dated back to 1987, and the United States had taken no action on it yet. The Act had been voted on article by article, and its main thrust was Chamorro self-determination; however, it did not in itself constitute an act of self-determination. Its rejection by the United States would not negate the right of self-determination of the Chamorro people. It was critical for the United Nations to support Guam in its efforts and make no effort to remove Guam from the list of Non-Self-Governing Territories, and for the General Assembly, when it adopted its draft resolution on Guam at its fifty-first session, to make express reference to the right of the Chamorro people to self-determination.

35. Mr. RIVERO ROSARIO (Cuba), after hearing Mr. Teehan's statement, said that the Committee had often been hindered by a lack of sufficient information on the desires of the peoples in the Non-Self-Governing Territories. The Port Moresby Seminar had made it possible, however, to hear the views of those peoples, including the representatives of the Guam Landowners Association; to decide to send a visiting mission to Guam; and to obtain information from the administering Power, which had offered a virtually idyllic portrayal of the situation. It was interesting to hear that the Guam Commonwealth Act represented the real views of the Chamorro people. At the appropriate time, the issue of economic and cultural colonialism, rather than political colonialism, should be addressed; meanwhile, the name of Guam, which had been on the list of Non-Self-Governing Territories for so long, should remain there.

36. He also asked that copies of the resolutions submitted by Ms. Alvarez Cristobal should be distributed to the members of the Committee.

37. Mr. Teehan withdrew.

Adoption of draft resolutions

38. The CHAIRMAN invited the Committee to express its views on the draft resolutions contained in the report of the Subcommittee on Small Territories, Petitions, Information and Assistance.

Draft general resolution (A/AC.109/L.1843, para. 9)

39. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the draft general resolution contained in paragraph 9 of the Subcommittee's report without a vote.

40. It was so decided.

Draft resolution on dissemination of information on decolonization (A/AC.109/L.1843, para. 23)

41. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the draft resolution on dissemination of information on decolonization contained in paragraph 23 of the Subcommittee's report without a vote.

42. It was so decided.

Adoption of the report of the Subcommittee

43. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the Subcommittee's report as a whole.

44. It was so decided.

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Draft resolution on information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (A/AC.109/L.1845)

45. Mr. SRIWIDJAJA (Indonesia) said that Portugal's note to the Secretary-General concerning the item (A/51/187 of 2 July 1996) had been distributed to Committee members only three days previously, on 19 July. Indonesia had not had time to study it and prepare its response, and it felt that such a deliberate delay was hardly favourable to the negotiations it was being asked to hold with Portugal under the auspices of the Secretary-General.

46. Mr. GAMITO (Portugal) emphasized once again that East Timor was a Non-Self-Governing Territory included in the list contained in General Assembly resolution 1542 (XV) and that, as such, the Territory was included on the agenda of the Special Committee and on that of the fifty-first session of the General Assembly. Portugal had always cooperated actively with the Special Committee and fully recognized its competence and the importance of its role with respect to decolonization. Referring to the accusation made by the representative of Indonesia, he said that Portugal - having sent its note verbale on 28 June and the latter having been published on 2 July - could not be held responsible for delays in the distribution of documentation, nor could it be accused of having tried to put Indonesia in a difficult situation.

47. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/AC.109/L.1845 without a vote.

48. It was so decided.

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION

ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

Draft resolution on military activities and draft resolution on foreign economic interests (A/AC.109/L.1846 and L.1857)

49. Mr. RIVERO ROSARIO (Cuba), supported by Mr. SAMADI (Islamic Republic of Iran), proposed that a decision on the two draft texts should be deferred to a later meeting.

50. Mrs. KHAN-CUMMINGS (Trinidad and Tobago), Vice-Chairman of the Subcommittee, associated herself with that proposal, particularly in view of the need to amend paragraphs 1 and 12 of the draft resolution in order to reflect the development of the situation.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the proposal.

52. It was so decided.

ORGANIZATION OF WORK

53. The CHAIRMAN drew attention to the revised programme of work contained in the aide-mémoire (7/96/Rev.1) and reminded the members of the Committee that they would have to complete their work during the week in order to enable the Rapporteur to prepare the Special Committee's report to the General Assembly. Furthermore, the Committee would, as usual, be represented by himself, as Chairman, at meetings of the Economic and Social Council, when the latter considered the issue of the specialized agencies and the Committee would meet again in order to consider that matter after the closure of the Council's session.

54. Concerning the Special Committee's report to the Assembly, he proposed that, in accordance with established practice, the Committee should ask the Rapporteur to draft the various chapters of the report covering the matters on which the Committee had concluded its discussion and to submit them directly to the Assembly.

55. It was so decided.

OTHER MATTERS

56. Mr. KHAN (Secretary of the Committee), in reply to a question from Mr. SAMADI (Islamic Republic of Iran), said that because of the reduction in its staff, the Department of Public Information had decided not to issue a press release on the work of the Special Committee during the current year.

57. Mr. SAMADI (Islamic Republic of Iran) said that he did not recall having seen a decision to that effect by the Committee on Public Information. Press releases were very important for the Special Committee's work and the latter would inevitably be adversely affected by such a decision.

58. Mr. RIVERO ROSARIO (Cuba) associated himself with the Iranian delegation and expressed keen regret at that decision. It was true that there had been no press release either on the recent regional Seminar in Port Moresby, or on the Week of Solidarity with the Peoples of All Colonial Territories, Fighting for Freedom, Independence and Human Rights, or on the very important statement made on that occasion by the representative of Papua New Guinea. He pointed out further that the dissemination of information on the work of the Organization should not be restricted to peacekeeping operations and that it was for the General Assembly, and not for the Department of Public Information or the Secretariat in general, to determine degrees of priority with respect to information to be circulated.

59. The CHAIRMAN assured the representatives of the Islamic Republic of Iran and Cuba that the question would be raised with the competent authorities.

60. Mr. SAMADI (Islamic Republic of Iran) pointed out that the Committee had just adopted a resolution on the dissemination of information on decolonization. He had not been aware at the time of the decision taken by the Department of Public Information on the matter. He wished officially to place on record that his delegation had reservations with respect to that decision; it was only subject to those reservations that he agreed to the adoption of the resolution concerned.

61. The CHAIRMAN assured the representative of the Islamic Republic of Iran that note had been taken of his reservations.

OTHER STATEMENTS

62. Mr. YARKA (Papua New Guinea) said that, by inviting his country to organize in 1993 and 1996, the Pacific Regional Seminar on decolonization, the United Nations had acknowledged Papua New Guinea's commitment to the process of decolonization. In June 1996, the Seminar in Port Moresby had been attended by a large number of participants. He thanked the United Nations for having thus recognized his country's commitment in that important field and its ongoing support for the noble cause of the Organization. His country was indeed fully resolved to ensure that colonialism was effectively eradicated in all parts of the world, including the Pacific, particularly New Caledonia.

63. Concerns had been expressed by the United States of America and other countries in relation to the holding of the Port Moresby Regional Seminar, given

the current financial difficulties of the Organization. Papua New Guinea fully shared those concerns but felt that, in the absence of visiting missions and of up-to-date factual information on the situation in the Non-Self-Governing Territories, the only practical way of obtaining first-hand information was through the involvement of representatives of the peoples of those Territories in regional seminars, both for the Pacific and for the Caribbean.

64. Papua New Guinea therefore urged those States that were members of the Committee and other States, including the administering Powers, to acknowledge the importance and usefulness of regional seminars as one of the most effective ways of assessing the political, constitutional, economic and social development of the remaining Non-Self-Governing Territories.

The meeting rose at 12.40 p.m.